

**MEMO ENDORSED**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKMARIA VECCHIO, on behalf of herself and  
all others similarly situated,

Plaintiff,

vs.

QUEST DIAGNOSTICS, INC., EXAMONE  
WORLD WIDE, INC., and EXAMONE,  
LLC,

Defendants.

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 10/11/2017

No. 1:16-cv-5165-ER-KNF

**STIPULATION OF DISMISSAL OF COUNTS II, IV, V, AND VI  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41**

The Complaint [Dkt. No. 1] contains six counts: failure to pay minimum wage under the Fair Labor Standards Act ("FLSA") (Count I); failure to pay minimum wage under New York Labor Law § 652 (Count II); failure to pay overtime under the FLSA (Count III); failure to pay overtime under New York Labor Law § 652 (Count IV); failure to pay spread-of-hours under New York Labor Law § 652 (Count V); and violation of the Wage Theft Prevention Act, New York Labor Law § 195 (Count VI).

In the interest of stream-lining the issues in this matter, the parties stipulate under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) to the voluntary dismissal of Counts II, IV, V, and VI, leaving only Counts I and III under the FLSA.

DATED: October 10, 2017

BAKER & MCKENZIE LLP

/s/ Arthur J. Rooney

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*Counsel for Plaintiffs*

**IT IS SO ORDERED**



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Hon. Edgardo Ramos

Date: 10/11/2017